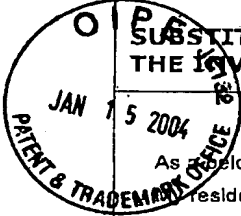


#16
2-20-04
B.G.H

**SUBSTITUTE REISSUE APPLICATION DECLARATION BY
THE INVENTOR**

Docket Number (Optional)
MTS-520US5



As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,761,301, granted June 2, 1998, and for which a reissue patent is sought on the invention entitled MARK FORMING APPARATUS, METHOD OF FORMING LASER MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL DISK AND METHOD OF PRODUCING OPTICAL DISK,

the specification of which

☐ is attached hereto.

☒ was filed on December 7, 2001 as reissue application number 10/017,973 and was amended on _____. (If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows: See Attachment.

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, VA 22313-1450.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) MTS-520US5	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.			
Name(s)		Registration Number	
Allan Ratner		19,717	
Lawrence E. Ashery		34,515	
Jack J. Jankovitz		42,690	
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> Customer Number		23122	
OR		Type Customer Number here	
<input checked="" type="checkbox"/> Firm or Individual Name		RatnerPrestia	
Address		P.O. Box 980	
Address			
City		Valley Forge	State
Country		PA	ZIP
Telephone		(610) 407-0700	Fax
			(610) 407-0701
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of sole or first inventor (given name, family name) Mitsuaki Oshima			
Inventor's signature <i>Mitsuaki Oshima</i>			
Residence Kyoto, Japan		Date December 26, 2003	
Mailing Address 115-3, Minamitatsumi-cho, Katsura, Nishikyo-ku, Kyoto-shi, Kyoto 615 Japan		Citizenship Japanese	
Full name of second joint inventor (given name, family name) Yoshiho Gotoh			
RECEIVED JAN 16 2004 Technology Center 2100			
Inventor's signature <i>Yoshiho Gotoh</i>			
Residence Osaka, Japan		Date December 26, 2003	
Mailing Address Room 201, 9-17, Higashinakahama 4-chome, Jyoto-ku, Osaka-shi, Osaka 538 Japan		Citizenship Japanese	
Full name of third joint inventor (given name, family name)			
Inventor's signature		Date	
Residence		Citizenship	
Mailing Address			
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.			

Attachment to PTO/SB/51 (12-97)
Reissue Application Declaration by the Inventor

At least one error upon which reissue is based is described as follows:

During the prosecution of the application that issued as the above patent, the inventors did not recognize that the features disclosed in the patent in Figs. 1 and 13A were appropriate to claim. As such, the inventor's did not claim all that they had a right to claim. This error was made without deceptive intent. Specifically, the inventors did not claim any one or more of the features of an information recording layer formed between a first substrate and a second substrate, the information recording layer has a track of a spiral shape, a data recording area and a barcode pattern are formed on the track, and the data recording area and barcode pattern are readable by light radiation.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, any foreign application for patent or inventor's certificate, or PCT International application having a filing data before that of the application on which the priority date is claimed:

Prior Foreign Application(s)

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
6-283415	Japan	17/November/1994
7-016153	Japan	02/February/1995
7-261247	Japan	09/October/1995